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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: SRIVASTAVA *et al.*

Application No.: 09/393,652

Group Art Unit: 1644

Filed: September 10, 1999

Examiner: G. R. Ewoldt, Ph.D.

For: METHODS AND COMPOSITIONS FOR
THE TREATMENT AND PREVENTION
OF GRAFT REJECTION USING HEAT
SHOCK PROTEINS

Attorney Docket No.: 8449-025-999

Confirmation No.: 3088

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PROVISIONAL ELECTION UNDER 37 C.F.R. § 1.143 WITH TRAVERSE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action mailed December 2, 2002, ("Office Action") in which a requirement for election of a species was imposed, please consider the following remarks and enter them into the file of the above-captioned application.

REMARKS

Applicants acknowledge, with appreciation, that the Examiner has agreed that claim 32 should be rejoined to the claims of the elected invention and examined together with pending claims 1, 2, 6-9, 13-19, and 21.

At page 2 of the Office Action, a species election has been imposed under 35 U.S.C. § 121, requiring election of a "a purified complex consisting of a specific heat shock protein or a specific combination thereof." The Examiner has alleged at page 2 of the Office Action that the present application contains inventions drawn to patentably distinct species. By way of support for this allegation, the Examiner points out that "different heat shock proteins comprise different primary amino acid sequences and accordingly, different secondary ad [sic; and] tertiary structures. Therefore, the species are independent and patentable over one another."